

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Criminal File 14-00025 (SRN)

Plaintiff,

v.

ORDER ON RESTITUTION

Tieu Tran,

Defendant.

This matter is before the Court for a determination of whether the restitution ordered in this case should include the return of “Red Cover” property title, essentially, collateral held for debts that were nullified by the plea agreement. For the reasons stated, the Court finds that the Defendant should return the “Red Cover” property title to P.T. and N.N. as part of the restitution award, and will amend the Judgment in this case to reflect that finding.

Defendant Tran pled guilty to a one-count Information charging her with Forced Labor in violation of 18 U.S.C. § 1589 on March 25, 2014. Unresolved at the time of the plea hearing was the issue of restitution, including the return of property title owned by P.T. and N.N. in Vietnam, known as the “Red Cover.” Paragraph 8 of the Plea Agreement and Sentencing Stipulations in this case explained that the parties would attempt to resolve the issue of the “Red Cover” prior to sentencing.

However, at the sentencing hearing in this matter on December 12, 2014, the “Red Cover” issue remained unresolved. The Court allowed the parties additional time to reach

agreement, but they were unable to do.

The Government's Position on Restitution [Docket No. 31 at pp. 2-3],¹ lays out the background behind the "Red Cover": that the "Red Cover," essentially a title to property in Vietnam, was held by the Defendant as collateral for the debts of P.T. and N.N., immigrants whom the Defendant brought to this country.

As part of the plea agreement in this case, the Defendant was required to nullify all debts she imposed upon P.T. and N.N, and agreed not to "contact, harass, threaten, or attempt to collect in any way or by any means, the imposed debts." (Plea Agreement, Para. 9). Since the debt has been nullified, the collateral should be returned. As a result, as part of her restitution in this case, the Defendant is ordered to return the "Red Cover" to P.T. and N.N.

Dated: March 20, 2015

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Court Judge

¹ The Defendant has not filed a position paper on this matter, despite repeatedly being granted permission to do so. (See Minute Entry at Doc. No. 25; Order at Doc. No. 32).